

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ERIN CANNING,

Plaintiff,

-v-

1:15-CV-1214
(DNH/DJS)

CHIEF GREG VEITCH; TRISH BUSH;
DISTRICT ATTORNEY OF SARATOGA;
CLERK ONE OF THE DISTRICT ATTORNEYS
OFFICE; STATE POLICE SR. INVESTIGATOR
MAYBAUM; STATE POLICE SR. INVESTIGATOR
ASSISTANT SUPERINTENDENT GEORGE BEACH II;
BETHLEHEM POLICE COMMANDER HORNICK;
ASSISTANT DEPUTY SUPERINTENDENT UNIFORM
FORCE; SARATOGA OFFICERS INVOLVED IN ARREST
AND PROCESSING; MASSACHUSETTS POLICE
NORTHEASTERN UNIVERSITY OFFICER
KAVANAUGH,

Defendants.

APPEARANCES:

OF COUNSEL:

ERIN CANNING
Plaintiff, *Pro se*
P.O. Box 284
Saratoga Springs, NY 12866

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Erin Canning brought this action against defendants alleging constitutional violations pursuant to 42 U.S.C. § 1983. On October 16, 2015, the Honorable Daniel J. Stewart, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's complaint be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted. On October 15, 2015, plaintiff filed an amended complaint with respect to her allegations. See ECF No. 6. On October 26, 2015, Magistrate

Judge Stewart signed a Supplemental Report-Recommendation with regards to plaintiff's amended complaint, determining that it suffered the same deficiencies as plaintiff's original complaint and recommending its dismissal. Plaintiff has not submitted objections to either Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is ORDERED that:

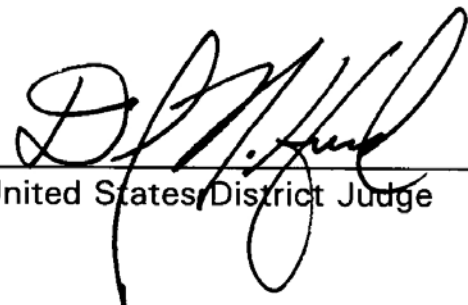
1. Plaintiff's complaint is **DISMISSED** with leave to amend pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and

2. If plaintiff chooses to file a second amended complaint, such second amended complaint shall supersede and replace her amended complaint in its entirety and comply with all requirements outlined in the Report-Recommendations;

3. In the event plaintiff fails to file a second amended complaint within thirty (30) days of the date of this Decision and Order, this case will be closed and judgment entered accordingly without further order; and

4. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: November 23, 2015
Utica, New York